

article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount. Misbranding was alleged with respect to the remainder of the article for the reason that it was a product deficient in milk fat, prepared in imitation of butter, and was offered for sale and sold under the distinctive name of another article, to wit, butter. Misbranding was alleged for the further reason that the statement, to wit, "60 Lbs. Net," borne on the crates containing the article, and the statement, to wit, "5 Lbs. Net," borne on the packages, were false and misleading in that they represented that each of the said crates contained 60 pounds of butter, and that each of said packages contained 5 pounds thereof, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of said crates contained 60 pounds net of butter, and that each of said packages contained 5 pounds net thereof, whereas each of said crates did not contain 60 pounds net of butter but did contain a less amount, and each of said packages did not contain 5 pounds of butter but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On August 11, 1928, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$10.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16073. Adulteration of frozen poultry. U. S. v. 1 Keg of Frozen Poultry. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23007. I. S. No. 03013. S. No. 1092.)**

On August 24, 1928, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1 keg of frozen poultry at New York, N. Y., alleging that the article had been shipped by the Topeka Packing Co., from Topeka, Kans., on or about August 10, 1928, and had been transported from the State of Kansas into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in substance in the libel that the article was in violation of section 7 of said act, paragraph 6, in the case of food, in that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance in that it consisted in whole or in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal.

On September 7, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

**16074. Adulteration of frozen poultry. U. S. v. 2 Barrels, et al., of Frozen Poultry. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 23004, 23019, 23020. I. S. Nos. 03010, 03011, 03014, 03015. S. Nos. 1090, 1103, 1105.)**

On August 22 and August 27, 1928, respectively, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 5 barrels of frozen poultry, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Edward Aaron (Inc.), in various lots, from Butler, Mo., and Lamar, Mo., on or about August 9, 1928, and from Drexel, Mo., and Fort Scott, Kans., on or about August 15, 1928, and had been transported from the States of Missouri and Kansas, respectively, into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libels that the article was adulterated, in that it consisted in part of a portion of an animal unfit for food, and in that it was the product of a diseased animal. Adulteration was alleged with respect to a portion of the product for the further reason that it consisted in part of a filthy, decomposed, or putrid animal substance.

On September 7 and September 13, 1928, respectively, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*